

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

GREGORY S. SMITH,  
Defendant,

CRIMINAL ACTION  
NO. MJ 04-M-220-JLA

ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION  
June 2, 2004

SWARTWOOD, M.J.

I. Nature Of The Case And The Government's Motion

On May 20, 2004, a Criminal Complaint was filed charging Gregory S. Smith ("Mr. Smith"), with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

At Mr. Smith's initial appearance on June 2, 2004 in connection with this Complaint, he was advised of his right to a preliminary examination in accordance with Fed. R. Crim. P. 5.1 and after consultation with his lawyer, waived his right to such a hearing. Additionally, at Mr. Smith's initial appearance, the Government moved for a detention hearing in accordance with 18 U.S.C. §§3142((f)(1)(D) (Mr. Smith is charged with a felony and has previously been convicted of two or more offenses described in paragraphs (A) through (C) of Section 3142(f)(1), or two or more

state or local offenses that would have been offenses described in paragraphs (A) through (C) of Section 3142(f)(1) if federal jurisdiction had existed), (f)(2)(A) (risk of flight), and (f)(2)(B) (Mr. Smith would obstruct justice if released). After Mr. Smith was advised of his right to a hearing in connection with the Government's motion for detention, he assented to an Order of Detention, but reserved his right to a detention hearing in the future.

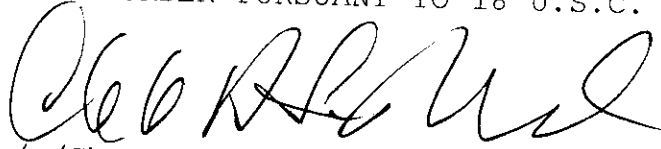
## II. Order of Detention Pending Trial

In accordance with the foregoing memorandum,  
IT IS ORDERED:

1. That Mr. Smith be committed to the custody of the Attorney General, or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
2. That Mr. Smith be afforded a reasonable opportunity for private consultation with counsel; and
3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Smith is detained and confined shall deliver Mr. Smith to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145(b).

A handwritten signature in black ink, appearing to read 'Charles B. Swartwood, III', written in a cursive style.

/s/Charles B. Swartwood, III  
CHARLES B. SWARTWOOD, III  
MAGISTRATE JUDGE